

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 3:19-00033

GEORGE EARL GORDON, JR.

MEMORANDUM OPINION AND ORDER

Pending before the Court is George Earl Gordon Jr.'s *pro se* Motion to Appoint Counsel (ECF No. 62) and Motion for Compassionate Release (ECF No. 63). The United States filed its response and Gordon's medical records under seal. For the following reasons, the motions are **DENIED**.


In his motion, Gordon asserts that there are extraordinary and compelling reasons for his release because there has been an outbreak of COVID-19 at Fort Dix FCI. The Bureau of Prisons ("BOP") is currently reporting 120 inmates and 29 staff members with active cases at the facility. COVID-19 Cases, Federal Bureau of Prisons, <https://www.bop.gov/coronavirus/> (last visited Jan. 20, 2021). There have been no COVID-related deaths. *Id.*

Gordon further claims that he has an increased risk of serious complications if he contracts the virus due to various health problems, including glaucoma, high blood pressure, high cholesterol, and prediabetes. Def.'s Mot., ECF No. 63. The records supplied by the Government confirm that Gordon has hypertension and glaucoma diagnoses. It also appears from his medical records that he previously tested positive for COVID-19 on July 1, 2020 but was asymptomatic. Govt Ex. 3.

In light of the above, the Court finds that Gordon has not demonstrated “extraordinary and compelling” reasons for release. Although Gordon has been diagnosed with hypertension and glaucoma, these medical conditions are not sufficiently serious to justify release. Moreover, according to the Center for Disease Control, Gordon’s prior infection makes it unlikely he will be infected again. Reinfection, CDC, <https://www.cdc.gov/coronavirus/2019-ncov/your-health/reinfection.html> (last visited Jan. 19, 2021) (“Cases of reinfection with COVID-19 have been reported, but remain rare.”). Finally, although there has been a significant number of positive cases at Fort Dix, the BOP has been effective at managing these cases, as demonstrated by the fact that there have been no COVID-related fatalities at that facility. Therefore, the Court **DENIES** the Motion for Compassionate Release (ECF No. 63) and **DENIES AS MOOT** his Motion to Appoint Counsel (ECF No. 62).

The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: January 20, 2021



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE